



**RECOMMENDED ORDER  
to the  
DISCIPLINE COMMITTEE**

IN THE MATTER OF THE ENGINEERING,  
AND GEOSCIENCE PROFESSIONS ACT,

AND

IN THE MATTER OF THE CONDUCT OF  
Kapil Dave, E.I.T. (#290900)

Investigation Case: #24-24

**APEGA  
Recommended Order  
to the  
Discipline Committee**

**In the matter of the Engineering and Geoscience Professions Act**

**and**

**In the matter of the conduct of  
Kapil Dave, E.I.T.**

The Investigative Committee of the Association of Professional Engineers and Geoscientists of Alberta (APEGA) has conducted an investigation into the conduct of Kapil Dave, E.I.T., (the “Registrant”) with respect to a complaint initiated by ██████████ P.Eng., (the “Complainant”) dated August 21, 2024 (the “Complaint”).

**A. The Complaint**

The Complainant alleged that the Registrant engaged in unprofessional conduct with respect to providing a false supervisor reference for an employment opportunity he interviewed for with the Complainant’s firm.

The Investigative Committee conducted an investigation with respect to the following allegations outlined in the Complaint:

*That Kapil Dave, E.I.T., (“the Registrant”) engaged in unprofessional conduct relating to a position of employment he interviewed for with the Complainant’s firm. It is alleged that the Registrant asked another coworker (Registrant MS) to provide a supervisor reference knowing it was false.*

**B. Agreed Statement of Facts**

As a result of the investigation, it is agreed by and between the Investigative Committee and the Registrant that:

**(a) Background:**

1. At all relevant times the Registrant was an APEGA E.I.T. and was thus bound by the *Engineering and Geoscience Professions Act* and the APEGA Code of Ethics.
2. The Registrant holds a bachelor’s degree in electrical engineering from Gujarat Technological University, India (2019).

3. The Registrant holds a master's degree in electrical and computer engineering from University of Calgary (2022).

**(i) Facts Relating to Allegation #1:**

4. At the time of this complaint the Registrant had been employed for approximately seven months with Stantec working as an E.I.T. (electrical engineering) on a project team designing overhead distribution lines.
5. In July 2024, there were rumors of layoffs due to a slowdown on the project and the Registrant was concerned he may be affected.
6. The Registrant applied for an open position with the Complainant's firm through LinkedIn and was subsequently interviewed by the Complainant and an HR representative.
7. After the interview, the Registrant was asked to provide references, including a supervisor.
8. The Registrant was worried that if he asked his direct supervisor to be a reference, this may justify him getting a layoff notice.
9. The Registrant approached a coworker, Registrant MS, and asked if they would act as a supervisor for the purpose of the reference.
10. The Registrant was aware that Registrant MS was also an E.I.T. and not a supervisor or project team lead.
11. When the Registrant received a letter of employment offer from the Complainant, he declined, stating that his manager at Stantec would match the offer, although no offer was actually made.
12. The Registrant declined the offer after learning from his manager that there would be no layoffs and decided to stay with Stantec due to better opportunities for career development.
13. The Complainant became suspicious when the Registrant said his manager would match the offer, as this manager (subsequently identified as Registrant MS) gave the HR representative a glowing reference for the Registrant to move on from Stantec.
14. After making some inquiries, the Complainant located Registrant MS' LinkedIn profile where he learned that Registrant MS was only an E.I.T. and not the Registrant's supervisor /manager.
15. The Complainant reported his suspicions to an acquaintance at Stantec and both the Registrant (and Registrant MS) were terminated.

16. The Registrant is remorseful and acknowledges that his conduct was unprofessional. He has been unable to secure employment since being terminated.

### **C. Conduct**

17. The Member freely and voluntarily admits that the conduct described in the allegations constitutes unprofessional conduct as defined in Section 44(1) of the EGP Act.

Section 44(1) of the act states:

*44(1) Any conduct of a professional member, licensee, permit holder, certificate holder, or member-in-training that in the opinion of the Discipline Committee or the Appeal Board*

*(a) is detrimental to the best interests of the public;*

*(b) contravenes a code of ethics of the profession as established under the regulations;*

*(c) harms or tends to harm the standing of the profession generally;*

*(d) displays a lack of knowledge of or a lack of skill or judgment in the practice of the profession or;*

*(e) displays a lack of knowledge or lack of skill or judgment in the carrying out of any duty or obligation undertaken in the practice of the profession.*

*Whether or not that conduct is disgraceful or dishonorable, constitutes either unskilled practice of the profession or unprofessional conduct, whichever the Discipline Committee or the Appeal Board finds.*

18. The Member also acknowledges that the conduct described above breaches Rule(s) of Conduct #3.

The Rules of Conduct of the APEGA Code of Ethics state:

*1. Professional engineers and geoscientists shall, in their areas of practice, hold paramount the health, safety, and welfare of the public and have regard for the environment.*

*2. Professional engineers and geoscientists shall undertake only work that they are competent to perform by virtue of their training and experience.*

3. *Professional engineers and geoscientists shall conduct themselves with integrity, honesty, fairness, and objectivity in their professional activities.*
4. *Professional engineers and geoscientists shall comply with applicable statutes, regulations, and bylaws in their professional practices.*
5. *Professional engineers and geoscientists shall uphold and enhance the honour, dignity, and reputation of their professions and thus the ability of the professions to serve the public interest.*

#### **D. Recommended Orders**

19. On the recommendation of the Investigative Committee, and by agreement of the Member with that recommendation, and following a discussion and review with the Discipline Committee Case Manager, the Discipline Committee hereby orders that:
  - a. The Registrant shall be reprimanded for their conduct and this order shall serve as the reprimand.
  - b. The Registrant shall pay a fine in the amount of \$500.00. The fine is a debt owing to APEGA and shall be paid within six (6) months of the date this order is approved by the Discipline Committee Case Manager.
  - c. The Registrant shall provide the Discipline Manager, within twelve (12) months of the date this order is approved by the Discipline Committee Case Manager, written confirmation/proof of successful completion (passing grade) of the following training that is satisfactory to the Discipline Manager, such as [ADL 213 - Ethics for Professional Practice \(University of Calgary Continuing Education\)](#).
  - d. If the noted course is no longer available on approval of this order, at the discretion of the Discipline Manager, another course in Ethical Practice may be authorized for substitution if it is deemed substantially equivalent. The Registrant shall be responsible for all costs associated with the completing the course.
  - e. The Registrant shall provide the Discipline Manager, within six (6) months of the date this order is approved by the Discipline Committee Case Manager, written confirmation that they have reviewed the following APEGA publication, and that the Registrant will comply with the requirements therein:

- i. APEGA *Ethical Practice* Guideline (August 1, 2022).
- f. If there are extenuating circumstances, the Registrant may apply to the Discipline Manager for an extension prior to the noted deadlines. If such an application is made, the Registrant shall provide the Discipline Manager the reason for the request, a proposal to vary the schedule, and any other documentation requested by the Discipline Manager.
- g. If the Registrant fails to provide the Discipline Manager with proof that they have completed the requirements noted above within the timelines specified, or any extended timeline granted, the Registrant shall be suspended from the practice of engineering for a minimum of thirty (30) days. If the non-monetary requirements in this Order are not completed within six (6) months of the suspension date, the Registrant shall be cancelled. In the event of cancellation, the Registrant will be bound by APEGA's reinstatement policy.
- h. This matter and its outcome will be published by APEGA as deemed appropriate and such publication will name the Registrant.

I, Kapil Dave, E.I.T., acknowledge that before signing this Recommended Discipline Order, I consulted with legal counsel regarding my rights or that I am aware of my right to consult legal counsel and that I hereby expressly waive my right to do so. I confirm that I agree to the facts and admissions as set out above in this Recommended Discipline Order, and that I agree with the Orders that are jointly proposed.

Further to the above, I acknowledge that I have reviewed APEGA's Good Standing Policy. I understand that I will not be considered to be a member in good standing until I have fully complied with the Orders set out above, and I understand that good standing status may affect membership rights or benefits, or the ability to volunteer with APEGA in any capacity.

Further to the above, I acknowledge that a copy of this Order and my identity will be disseminated to all provincial and territorial engineering and geoscience regulators in Canada.

Further to the above, I acknowledge that a copy of this Order and my identify shall be provided to the APEGA Practice Review Board.

IN WITNESS WHEREOF the undersigned agrees with the Agreed Statement of Facts and Acknowledgment of Unprofessional Conduct in its entirety.

**Kapil Dave, E.I.T.**

Signed with ConsignO Cloud (2024/11/19)  
Verify with verifio.com or Adobe Reader.



---

**Kapil Dave, E.I.T.**

**Chris O'Donovan, P.Eng.**

Signed with ConsignO Cloud (2024/11/19)  
Verify with verifio.com or Adobe Reader.



---

**Chris O'Donovan, P.Eng.  
(Panel Chair)  
APEGA Investigative Committee**

**APEGA Discipline Committee**

**Christine Neff**

Signed with ConsignO Cloud (2025/01/09)  
Verify with verifio.com or Adobe Reader.



By:

---

Case Manager

January 9 2025